

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

Index No.:

-----X Date of Filing:

PRINCESS BELL, JOSEPH CONTRERAS, EMILY  
GRAHAM, MICHAEL GRAHAM, THOMAS GRAHAM,  
JAMEL JACKSON, DEVON KING, TAU SMITH,  
and KYSEAN WILLIAMS,

Verified Complaint

Plaintiffs,

- against -

THE CITY OF NEW YORK, MICHAEL BLOOMBERG,  
RAYMOND W. KELLY, DETECTIVE MICHAEL SMYTH,  
and "JOHN DOE 1", "JOHN DOE 2", "JOHN DOE 3",  
"JOHN DOE 4", "JOHN DOE 5", "JOHN DOE 6",  
"JOHN DOE 7", "JOHN DOE 8", SAID JOHN DOE 1  
THROUGH 8 BEING FICTITIOUS NAMES FOR  
POLICE OFFICERS OF THE NEW YORK CITY  
POLICE DEPARTMENT WHOSE NAMES ARE UNKNOWN  
TO PLAINTIFFS AND WHOSE ACTUAL NAMES  
SHALL BE SUBSTITUTED UPON BEING ASCERTAINED,

Defendants

-----X

Plaintiffs, by their attorney STEVEN SIEGEL, P.C., complaining of the defendants,  
allege as follows:

1. That at all times herein mentioned, the plaintiffs were and still are residents of the State of New York.
2. That at all times herein mentioned, defendant THE CITY OF NEW YORK was and is a municipal corporation, organized and existing under and by virtue of the Laws of the State of New York.
3. That at all times herein mentioned, MICHAEL BLOOMBERG and RAYMOND W. KELLY were employed by the City of New York, as the Mayor and as the Commissioner of Police, respectively.

4. That the plaintiffs have complied with Section 50(e) of the General Municipal Law, in that on or about May 15, 2013, Notices of Claims by or for each of the plaintiffs set forth hereinabove, were duly served upon defendant THE CITY OF NEW YORK by certified mail, return receipt requested, receipts of which have been acknowledged by THE CITY OF NEW YORK in writing dated May 23, 2013 ; said Notices of Claim are annexed hereto and thereby made a part hereof.

5. That over thirty (30) days has elapsed since the service of the aforementioned Notices of Claim, and the defendants have failed, refused and neglected to adjust this matter.

6. That this action is being commenced within one (1) year and ninety (90) days of February 18, 2013, the date on which the within causes of action accrued.

7. That on or about February 18, 2013, at or about 6:00 P.M. all of the plaintiffs, [except for plaintiff Emily Graham ], were lawfully inside Apartment A5, or in the hall, next to the door to the apartment, of premises 2114 Aqueduct Avenue, Bronx, New York.

8. That at the aforementioned time and place, an individual, "John Doe 1" a police officer, unidentified as such, in plain clothes entered the premises, with a weapon, and aimed the weapon, a gun, in the direction of the plaintiffs causing them to be terrified.

9. That at the time and place when the individual, "John Doe 1", in plain clothes entered the premises, he was not given permission to enter the premises, did not have a warrant permitting him to enter the premises, refused to identify himself, and remained in the premises without identifying himself as a police officer until the expiration of an unreasonable amount of time.

10. That subsequent to the aforementioned entry by "John Doe 1", numerous additional police officers, unidentified, and referred to herein as "John Doe 2", "John Doe 3", "John Doe 4", "John Doe 5", "John Doe 6", and "John Doe 7", entered the aforementioned apartment.

11. That at the times "John Doe 1", "John Doe 2", "John Doe 3", "John Doe 4", "John Doe 5", "John Doe 6", and "John Doe 7", entered the aforementioned apartment, none of them had the permission of any resident of the apartment to enter same, did not have a warrant

permitting them to enter and did not otherwise have reasonable cause or authority to enter the apartment pursuant to any law of the State of New York or of the United States.

12. That subsequent to the entry by the aforementioned police officers into the aforementioned residential apartment they performed a search of the apartment without the consent of any resident of the apartment, without a warrant, without reasonable cause and without any authority under the laws of the State of New York or the United States.

13. That subsequent to the entry by the aforementioned police officers into the aforementioned residential apartment they said they were looking for guns, and they performed a search of each of the plaintiffs, except for Emily Graham, without the consent of any resident of the apartment, without a warrant, without reasonable cause and without any authority under the laws of the State of New York or the United States.

14. That subsequent to the entry by the aforementioned police officers into the aforementioned residential apartment they handcuffed each of the plaintiffs, except for Emily Graham, without the consent of any plaintiff, without a warrant, without reasonable cause and without any authority under the laws of the State of New York or the United States.

15. That subsequent to the entry by the aforementioned police officers into the aforementioned residential apartment they arrested each of the plaintiffs, except for Emily Graham, without the consent of any plaintiff, without a warrant, without reasonable cause and without any authority under the laws of the State of New York or the United States.

16. That subsequent to the entry by the aforementioned police officers into the aforementioned residential apartment and after they arrested each of the aforementioned plaintiffs, they transported each of the plaintiffs, against their will, to the 46<sup>th</sup> Precinct of the New York City Police Department, without the consent of any plaintiff, without a warrant, without reasonable cause and without any authority under the constitutions and/or laws of the State of New York or of the United States.

17. That subsequent to the entry by the aforementioned police officers into the aforementioned residential apartment and after they arrested each of the aforementioned plaintiffs,

they transported each of the plaintiffs, against their will, to the 46<sup>th</sup> Precinct of the New York City Police Department, without the consent of any plaintiff, without a warrant, without reasonable cause and without any authority under the laws of the State of New York or the United States.

18. That subsequent to the entry by the aforementioned police officers into the aforementioned residential apartment and after they searched, arrested, and transported each of the plaintiffs, against their will, to the 46<sup>th</sup> Precinct of the New York City Police Department, they searched the plaintiffs again, without the consent of any plaintiff, without a warrant, without reasonable cause and without any authority under the constitutions or laws of the State of New York or of the United States.

19. That various times after the entry by the aforementioned police officers into the aforementioned residential apartment and after they searched, arrested, and transported each of the plaintiffs, against their will, to the 46<sup>th</sup> Precinct of the New York City Police Department, various police officers questioned each of the plaintiffs without having read them their right to remain silent and that anything they may have said could be used against them, and that they had a right to be represented by an attorney.

20. That the aforementioned police officers and officers of the 46<sup>th</sup> Precinct of the New York City Police Department placed the aforementioned arrested plaintiffs in prison cells overnight, after which they were transported to Central Booking on 161<sup>st</sup> Street in the Bronx, where they remained for another two days, in prison, before they were brought before a judge and released in their own recognizance.

21. That upon information and belief subsequent to the actions of the aforementioned police officers in arresting the plaintiffs, one of more of said police officers, including one Detective Michael Smyth, Shield # 420 made false statements in writing accusing the plaintiffs of acts and crimes for the purpose of having them charged with various offenses including Penal Law Sections 220.16(1), 221.25, 221.20, 220.50(2), 221.15, 221.10(2) and A.C 10-131(b), said offenses constituting misdemeanors and felonies, said false statements and accusations being a Class A Misdemeanor under Penal Law Section 210.45.

22. That the aforementioned actions of the police officers violated the rights of the plaintiffs under the 14<sup>th</sup>, 4<sup>th</sup>, and 5<sup>th</sup> Amendments of the Constitution of the United States, under Title 42 of the United States Code, sections 1982 and 1985(3), under Article I of the Constitution of the State of New York, under the directions of the Supreme Court of the United States in the case of Arizona v. Miranda, 384 U.S. 436, and Mapp v. Ohio, 367 U.S. 643, and under the laws of the State of New York and the United States.

23. That aforementioned charges against all of the plaintiffs were dismissed.

24. That, upon information and belief, the aforementioned actions on behalf of the defendants, New York City police officers, were conducted in accordance with procedures, programs or operations known as "Stop and Frisk" and/or "Clean Halls" and operations of other names, pursuant to which police officers are required to, and directed to, engage in activities which necessarily violate the aforementioned rights of the plaintiffs under the laws and constitutions of the State of New York and of the United States.

25. That, upon information and belief, the aforementioned procedures, programs or operations of the defendants were in practice racially prejudiced against persons of color, and of foreign nationalities, including the plaintiffs.

26. That, upon information and belief, the defendants Michael Bloomberg and Raymond W. Kelly, in their capacities as Mayor and Chief of Police, respectively, were fully aware of, and approved of the aforementioned operations and actions of the police, and directed the police to take such action.

27. That, upon information and belief, by virtue of the participation, approval and knowledge of the aforementioned police activities by the chief of police and the mayor of the City of New York, the City of New York is responsible for both compensatory and punitive damages in this action.

AS AND FOR A FIRST CAUSE OF ACTION ON BEHALF OF  
PLAINTIFF PRINCESS BELL

28. Plaintiff repeats, reiterates and realleges each and every allegation set forth in

paragraphs 1 through 27, inclusively, as if they were set forth at length herein.

29. That this plaintiff arrived at the aforementioned premises, returning from her place of employment at approximately 4:30 P.M. on February 18, 2013.

30. That this plaintiff went into a bedroom where she took off her clothes and went to sleep wearing only undergarments.

31. That while the plaintiff was sleeping, she was awakened by an unidentified police officer in plain clothes, who was screaming at the plaintiff to get up out of bed.

33. That the plaintiff asked the police officer if she could put on her clothes.

34. That the police officer refused to allow her to put on her clothes, ordered her to get out of bed in her under clothing, and forced her to go into the room crying, in her under garments, where the other plaintiffs were.

35. That the plaintiff saw the other plaintiffs sitting down with the police officers pointing guns at them.

36. That the plaintiff asked the police officer what was going on, and was told to "shut up".

37. That the plaintiff was arrested, searched, and detained in cells for three days.

38. That when the plaintiff's employer learned that she was in jail, the plaintiff was fired from her job.

39. That the charges against this plaintiff made by Police Officer Smyth in his sworn paper dated 2/19/13 was completely false and a fabricated, and were dismissed.

40. That plaintiff was treated by one or more doctors and taking medicine for an extended time after the incident, and continues to experience emotional trauma.

41. That the plaintiff was humiliated and emotionally distraught, and as a result sought medical treatment, has periods of anxiety, was forced be undressed with the police officer, was made to feel like she was forced through this experience by reason of her race, and because the

authorities and police officers of the City of New York, and its mayor and chief of police have ignored his rights and status as a citizen of the State of New York and of the United States.

42. That by reason of the foregoing, plaintiff Princess Bell has sustained and demands damages for a sum of money, including punitive damages, within the jurisdiction only of the Supreme Court of the State of New York.

AS AND FOR A SECOND CAUSE OF ACTION ON BEHALF OF  
PLAINTIFF TAU SMITH

43. Plaintiff repeats, reiterates and realleges each and every allegation set forth in paragraphs 1 through 42, inclusively, as if they were set forth at length herein.

44. That this plaintiff was present in the aforementioned apartment prior to the incident with the police.

45. That while this plaintiff was in the apartment there was a knock on the front door.

46. That this plaintiff went to the front door, and observed through the peep hole that it was the plaintiff, Kysean Williams.

47. That this plaintiff opened the door for plaintiff Kysean Williams.

48. That upon opening the door, this plaintiff was immediately grabbed by three big white males [hereafter called "police officers"], and dragged out of the apartment.

49. None of the three men who grabbed this plaintiff identified themselves as police officers.

50. That this plaintiff was asked if Kysean Williams lived in the apartment, and answered that he did.

51. That two of the three police officers went into the apartment, and plaintiff was then grabbed and thrown up against the wall in the hallway, and searched by the third police officer.

52. That this plaintiff was then brought back into the apartment, where he observed the police officers waving guns and claiming that they were looking for guns.

53. That this plaintiff observed additional police officers who entered the apartment and he was handcuffed and arrested.

54. . That the charges against this plaintiff made by Police Officer Smyth in his sworn paper dated 2/19/13 was completely false and a fabrication.

55.. That the aforementioned charges against this plaintiff were dismissed.

56. That the plaintiff was humiliated and emotionally distraught, abstains from going in the neighborhood due to fear of the police and suffers at work because he is treated differently after spending time in jail, and because the authorities and police officers of the City of New York, and its mayor and chief of police have ignored his rights and status as a citizen of the State of New York and of the United States.

57. That by reason of the foregoing, this plaintiff, Tau Smith, sustained and demands damages for a sum of money, including punitive damages, within the jurisdiction only of the Supreme Court of the State of New York.

AS AND FOR A THIRD CAUSE OF ACTION ON BEHALF OF  
PLAINTIFF KYSEAN WILLIAMS

58. Plaintiff repeats, reiterates and realleges each of the allegations set forth paragraphs 1 through 57, with the same force and effect as though fully set forth herein.

59. That this plaintiff had gone out of the apartment prior to the time that the police arrived at the front door on the date of the incident.



60. That this plaintiff left the apartment with a bag of laundry to give to his girlfriend, Nikkia Parker, who was waiting in her parked car, in front of the aforementioned apartment house located at 2114 Aqueduct Avenue in the Bronx, NY.

61. That this plaintiff had entered Nikkia's car, and remained inside her car for a period of time speaking to each other.

62. That while this plaintiff and Nikkia Carter were in her car, three plain clothes males approached the vehicle and ordered them to get out of the car.

63. That the three males searched both Nikkia Carter and this plaintiff, Kysean Williams.

64. That the three males did a complete search of the car.

65. That the three males asked this plaintiff if he was carrying a weapon or drugs.

66. That the three males asked the plaintiff if there were weapons or drugs in the car.

67. That this plaintiff responded that he had no drugs and no weapons.

68. That the three males did not identify themselves as police officers.

69. That these three mails had their guns drawn when demanding answers to the above questions.

70. That these three males had no warrant or reasonable cause to arrest this plaintiff and his girlfriend, Nakkia Carter, or to search the car they were in.

71. That these three males were the same police officers who came into the aforementioned building and directed this plaintiff to knock on the door after which plaintiff Tau Smith opened the door and was dragged out of the apartment as set forth hereinabove in Paragraph 48.

72. That the plaintiff was humiliated and emotionally distraught, abstains from going in the neighborhood due to fear of the police to such a degree that he has moved out of the apartment and out of the City of New York, has watched the defendant police officers search the apartment causing damage to his property and in retaining his wallet which was taken from him and not returned, and because the authorities and police officers of the City of New York, and its mayor and chief of police have ignored his rights and status as a citizen of the State of New York and of the United States..

73. That by reason of the foregoing, this plaintiff, Tau Smith, sustained and demands damages for a sum of money, including punitive damages, within the jurisdiction only of the Supreme Court of the State of New York.

AS AND FOR A FOURTH CAUSE OF ACTION ON BEHALF OF  
PLAINTIFF THOMAS GRAHAM

74. Plaintiff repeats, reiterates and realleges each of the allegations set forth in paragraphs 1 through 73 above, with the same force and effect as though fully set forth herein.

75. That this plaintiff was in the aforementioned apartment when the aforementioned police officers, unknown by said plaintiff to be police officers, entered the apartment and aimed the barrel a gun at him.

76. That this plaintiff was told by the police officers that they were looking for guns.

77. That the police officers began a search of the apartment without a warrant, without reasonable cause to believe there were guns in the apartment, and against the will of this plaintiff, a resident of the apartment.

78. That this plaintiff asked the police officers why they were searching the apartment.

79. That the police officers told this plaintiff to "shut up and let me do my job".

80. That the police officer or officers in "doing their job" were violating the laws of this state and of the United States.

81. That this plaintiff requested of the police officers if they had a warrant to search his residence.

82. That the response to this plaintiff was to "be quiet".

83. That this answering defendant was searched by the aforementioned police officers and his residence was searched by the police officers in violation of his rights under the laws and constitutions of this state and the United States.

84. That, upon information and belief, the defendant, The City of New York, at the direction of the Chief of Police and Mayor, directed the police officers to look for guns on the bodies of citizens and inside their homes in violation.

85. That this plaintiff was interrogated by the police in the apartment, asking if there were drugs and weapons in the apartment, without having been read his rights.

86. That this plaintiff, as a result of the actions by the City of New York and the police officers, cannot sleep at night and is "horrified" at the sound of sirens, suffers from anxiety at the sight of a police officer, and was humiliated by the police officers' treatment of him and of the violation of his person and place of residence by them, and because the authorities and police officers of the City of New York, and its mayor and chief of police have ignored his rights and status as a citizen of the State of New York and of the United States.

87. That by reason of the foregoing, this plaintiff, Thomas Graham, sustained and demands damages for a sum of money, including punitive damages, within the jurisdiction only of the Supreme Court of the State of New York.

AS AND FOR A FIFTH CAUSE OF ACTION ON BEHALF OF  
PLAINTIFF MICHAEL GRAHAM

88. Plaintiff repeats, reiterates and realleges each of the allegations set forth in paragraphs 1 through 87 above, with the same force and effect as though fully set forth herein.

89. That this plaintiff was in the aforementioned apartment when the aforementioned police officers, unknown by said plaintiff to be police officers, entered the apartment and aimed their a guns at him and everyone else in the room.

90. That this plaintiff was told by the police officers that they were 'investigating' and he was interrogated by them.

91. That the police officers began a search of the apartment without a warrant, and refused four requests by this plaintiff for a warrant to search his residence, and told this plaintiff to "just shut up".

92. That this answering defendant was searched by the aforementioned police officers and his residence and was strip searched at the precinct by the police officers in violation of his rights under the laws and constitutions of this state and the United States.

93. That this plaintiff, as a result of the actions by the City of New York and the police officers, cannot sleep at night, suffers from anxiety at the sight of a police officer, was humiliated by the police officers' treatment of him and of the violation of his person and place of residence by them, and lost wages for three days of employment and because the authorities and police officers of the City of New York, and its mayor and chief of police have ignored his rights and status as a citizen of the State of New York and of the United States.

94. That by reason of the foregoing, this plaintiff, Michael Graham, sustained and demands damages for a sum of money, including punitive damages, within the jurisdiction only of

the Supreme Court of the State of New York.

AS AND FOR A SIXTH CAUSE OF ACTION ON BEHALF OF  
PLAINTIFF MICHAEL GRAHAM

95. Plaintiff repeats, reiterates and realleges each of the allegations set forth in paragraphs 1 through 94 above, with the same force and effect as though fully set forth herein.

96. That the police confiscated the plaintiff's iPhone and never returned it to him.

97. As a result of the aforementioned, the plaintiff was damaged in the sum of five hundred (\$500.00) Dollars.

AS AND FOR A SEVENTH CAUSE OF ACTION ON BEHALF OF  
PLAINTIFF JOSEPH CONTRERAS

98. Plaintiff repeats, reiterates and realleges each of the allegations set forth in paragraphs 1 through 97 above, with the same force and effect as though fully set forth herein.

99. That this plaintiff was in the aforementioned apartment at which time a white male with a small skull cap entered the apartment with a gun drawn.

100. That the plain clothes police officers told the plaintiffs that they just had to check to see if there were outstanding warrants for any of the plaintiffs, which would only take a few minutes.

101. That the police officers, instead of just checking for outstanding warrants, undertook a complete search of the entire apartment which took hours.

102. That at no time while this plaintiff was in the apartment was anyone smoking marijuana, the odor of which a police officer said he smelled in the hall.

103. That this plaintiff observed the police searching the apartment and found no weapons or drugs.

104. That this plaintiff heard the police officers say to the plaintiffs "might as well tell us now" and with the plaintiffs responding that there were none.

105. That the police officers never told the plaintiffs what if anything they were looking for was ever found.

106. That in the police precinct this plaintiff was interrogated for about 20 minutes at which time he was not given his rights, but was told that he might as well admit that there were drugs or guns in the apartment and where they were.

107. That plaintiff responded that there were no gun or drugs.

108. That the police told this plaintiff, once again, that they were going to check for warrants, after which they would give the plaintiffs [appearance] tickets and they could leave.

109. That the police never gave the plaintiffs any tickets, and instead made them stay incarcerated until they would be taken to court.

110. That thereafter this plaintiff was told that there were prescription drugs in the apartment, in a room in the apartment other than where the plaintiffs were.

111. That upon information and belief if there were any drugs in the apartment, they were prescription legally obtained, and were never in possession, if they existed, of this plaintiff.

112. That as a result of the aforementioned conduct of the City of New York and its police officers the plaintiff lost wages of approximately \$200.00; found it difficult to work at his job in particular because he works very close to the precinct and he gets heart palpitations and anxiety with the fear that because of his race and/or nationality he will again be confronted by the police officers; and because he feels his fellow employees look at him differently creating an awkward

atmosphere; in that he suffers from humiliation that he feels whenever he sees police offices, and because the authorities and police officers of the City of New York, and its mayor and chief of police have ignored his rights and status as a citizen of the State of New York and of the United States.

113. That by reason of the foregoing, this plaintiff, Joseph Contreras, sustained and demands damages for a sum of money, including punitive damages, within the jurisdiction only of the Supreme Court of the State of New York.

AS AND FOR AN EIGHTH CAUSE OF ACTION ON BEHALF OF  
PLAINTIFF JOSEPH CONTRERAS

114. Plaintiff repeats, reiterates and realleges each of the allegations set forth in paragraphs 1 through 113 above, with the same force and effect as though fully set forth herein.

115. That the police confiscated the plaintiff's iPhone and never returned it to him.

116. That by reason of the aforementioned, the plaintiff was damaged in the sum of two hundred (\$200.00) Dollars.

AS AND FOR AN NINTH CAUSE OF ACTION ON BEHALF OF  
PLAINTIFF JAMEL JACKSON

117. Plaintiff repeats, reiterates and realleges each of the allegations set forth in paragraphs 1 through 116 above, with the same force and effect as though fully set forth herein.

118. That on February 18, 2013, at approximately 4:00 PM, this plaintiff arrived at the aforementioned apartment.

119. That his plaintiff arrived at the aforementioned apartment for a social visit with the plaintiff Michael Graham.

120. That at some point after this plaintiff arrived at the apartment, he saw Kysean Williams being brought into the apartment in handcuffs with unknown male, and another person, both being tall Caucasians.

121. That the two gentlemen did not announce themselves at that time as police officers, and they were not in any uniform and did not have any visible badges.

122. That the two men had their guns drawn and pointed at this plaintiff.

123. That this plaintiff was terrified and in a nervous reaction jumped back into his seat when he saw the gun pointed at his face.

124. That this plaintiff and the other plaintiffs tried to ask the police officers [unidentified as such at that point] what was going on, but were just told to "shut up".

125. That this plaintiff and the other plaintiffs were pushed around when the police officers arrested them and required them to go to the police van without allowing them to put on their jackets or coats.

126. That this plaintiffs coat was taken from him by one of the police officers , but was returned to him at a later time without his ID which had been in it, and in a ripped up condition.

127. That this plaintiff, along with the other plaintiffs, was searched, interrogated, photographed and charged with one or more crimes which he did not commit.

128. That this plaintiff was told that the charges against him were dismissed because the police did not find any evidence of illegal drugs or guns.

129. That when this plaintiff was released, he asked one of the police officers for his name, but was refused.



130. That as a result of this incident this plaintiff is nervous and anxious about going to his good friend Michael Graham' apartment; he suffers from anxiety; he has periods of shortness in breath which interferes with what he is doing, and in that he suffers from humiliation that he feels whenever he sees police offices, and because the authorities and police officers of the City of New York, and its mayor and chief of police have ignored his rights and status as a citizen of the State of New York and of the United States.

131. That by reason of the foregoing, this plaintiff, Jamel Jackson, sustained and demands damages, including punitive damages, for a sum of money within the jurisdiction only of the Supreme Court of the State of New York.

AS AND FOR AN TENTH CAUSE OF ACTION ON BEHALF OF  
PLAINTIFF DEVON KING

132. Plaintiff repeats, reiterates and realleges each of the allegations set forth in paragraphs 1 through 130 above, with the same force and effect as though fully set forth herein.

133. That this plaintiff resides at 2680 8<sup>th</sup> Avenue, Apt. 8C, New York, NY

134. That this plaintiff arrived at the aforementioned apartment at approximately 3:00 P.M.

135. That this plaintiff a few hours after he arrived, turned his face away from the video game he was playing and saw a plain clothes male pointing a gun at him.

136. That at that time the male in plain clothes, with the gun did not say he was a police officer, did not say "freeze", or "stop", or "this is the police" or "hands up"..

137. That this plaintiff took off his headphones, put his hands up and sat down.

138. That after a while a group of additional police officers came to the apartment.

139. That this plaintiff , was arrested, and charged with certain crimes.

140. That the charges against this plaintiff were dismissed.

141. That this plaintiff suffers from humiliation that he feels whenever he sees police offices, and humiliated because the authorities and police officers of the City of New York, and its mayor and chief of police have ignored his rights and status as a citizen of the State of New York and of the United States.

142. That by reason of the foregoing, this plaintiff, Devon King, sustained and demands damages, including punitive damages, for a sum of money within the jurisdiction only of the Supreme Court of the State of New York.

AS AND FOR AN ELEVENTH CAUSE OF ACTION ON BEHALF OF  
PLAINTIFFS EMILY GRAHAM, MICHAEL GRAHAM AND THOMAS  
GRAHAM

143. Plaintiff repeats, reiterates and realleges each of the allegations set forth in paragraphs 1 through 142 above, with the same force and effect as though fully set forth herein.

144. That this plaintiff has resided in the aforementioned apartment for 17 years.

145. That this plaintiff was not present at the aforementioned apartment at the time of the incident involving the other plaintiffs and the police.

146. That this plaintiff became aware that her sons and their friends were arrested in her and her sons' aforementioned apartment.

147. That this plaintiff asked her daughter, Tawana Mathis, who does not live in the aforementioned apartment, to go to the apartment to ascertain what was going on.

148. That when Tawana went to the apartment, the police, in violation of this plaintiff's constitutional rights, refused to allow her daughter into the apartment.

149. That the police prohibited anyone from going into the apartment until a day

later.

150. That the police had no warrant and no cause to enter her apartment, search it, rampage through it, and arrest her children and their friends.

151. That the police had no right to prohibit this plaintiff to enter the apartment.

152. That the police violated the plaintiff's constitutional rights by entering her apartment and searching it.

153. That approximately a day later, when the plaintiff was permitted to enter her apartment, it was in a state of destruction; her clothing was thrown out draws and closets; the contents in her dresser were torn up and thrown about; they damaged her bed; they damaged her television; kids toys, books, amp radio, walls, broke her bedroom set, cut the mattresses open, they tore up the couches, and did additional damage to the property of her sons who lived with her.

154. As a result of the damage done to the aforementioned apartment, the plaintiff had to reside at a different location before returning to the apartment a week later.

155. That by reason of the foregoing, these plaintiffs, sustained and demands damages, including punitive damages, for a sum of money within the jurisdiction only of the Supreme Court of the State of New York.

**WHEREFORE**, the plaintiffs demand judgment against the defendants in the First Cause of Action for a sum of money, including punitive damages; in the Second Cause of Action for a sum of money, including punitive damages; in the Third Cause of Action for a sum of money, including punitive damages; in the Fourth Cause of Action for a sum of money, including punitive damages; in the Fifth Cause of Action for a sum of money, including punitive damages; in the Sixth Cause of Action for a sum of money, including punitive damages; in the Seventh Cause of Action for a sum of money, including punitive damages; in the Eighth Cause of Action for a sum of

money, including punitive damages; in the Ninth Cause of Action for a sum of money, including punitive damages; in the Tenth Cause of Action for a sum of money, including punitive damages; and in the Eleventh Cause of Action for a sum of money, including punitive damages together with the costs and disbursements of this action.

Dated: Kew Gardens, New York  
January 28, 2014

Yours, etc.

  
STEVEN SIEGEL, P.C.

Attorney for Plaintiffs

123-12 82nd Avenue

Kew Gardens, N.Y. 11415

(718) 520-0413 Phone

(718) 544-7044 Fax

myattorney@verizon.net

### NOTICE OF CLAIM

TO: THE CITY OF NEW YORK: Attn: Comptroller's Office – One Centre Street, Room 530, New York, NY 10007

PLEASE TAKE NOTICE that the undersigned claimants hereby make claim and demand against the THE CITY OF NEW YORK, RAYMOND KELLY, police commissioner, Detective MICHAEL SMYTH, and numerous additional unnamed police officers of the City of New York as follows:

1. The name and addresses of the claimants are:

Kysean Williams, 2114 Aqueduct Avenue, Apt. A5, Bronx, NY 10453  
Joseph Contreras, 2114 Aqueduct Avenue, Apt. A5, Bronx, NY 10453  
Thomas Graham, 2114 Aqueduct Avenue, Apt. A5, Bronx, NY 10453  
Michael Graham, 2114 Aqueduct Avenue, Apt. A5, Bronx, NY 10453  
Emily Graham, 2114 Aqueduct Avenue, Apt. A5, Bronx, NY 10453  
Devon King, 2680 8<sup>th</sup> Avenue, Apt. 8C, Bronx, NY 10030  
Tau Smith, 534 South 7<sup>th</sup> Avenue, Mt. Vernon, NY 10550  
Princess Bell, 1551 University Ave., Apt. 9D, Bronx, NY 10453  
Jamel Jackson, 1770 Davidson Avenue, Apt. 21, Bronx, NY 10453

The attorney for the claimant(s) is Steven Siegel, P.C., 123-12 82<sup>nd</sup> Avenue, Kew Gardens, New York 11415, Tel No. 718 520-0413.

2. The nature of the claim is false arrest, assault, malicious prosecution, illegal search, violation of claimant's constitutional rights of privacy, violation of claimant's constitutional right to freedom of movement in the absence of probable cause under both the USA and NYS Constitutions.

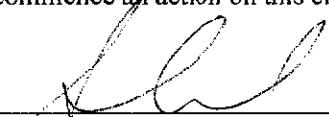
3. Upon information and belief, the claim arose on February 18, 2013, at about 6:45 PM, at premises 2114 Aqueduct Avenue, Bronx, NY 10453. At that time claimant had entered the aforementioned premises and was approaching apartment A5. He rang the bell. The door was opened by one Tau Smith. At that instant three police officers, in the absence of any right under the law, pushed both claimant and Tau Smith up against the wall and searched them. Claimant and Smith were directed to enter the apartment, and the police officers, without a warrant and against the will of the residents of the apartment, of which claimant was one, entered the apartment. The officers were asked if they had a warrant, and responded with an order to be quiet, and stated "we are looking for guns", and then proceeded to do a complete search of the apartment. The police officers had no warrant nor were there any conditions under which they were legally authorized to search the apartment without a warrant. The police officers, in an effort to try and legalize their search, applied for a warrant after the fact. While waiting for the warrant the police officers denied the lawful tenants of the apartment entry to the apartment for a day. The police officers thereafter arrested the claimant and other members in the premises and brought them to the 46<sup>th</sup> Precinct whereat claimant and the other arrestees were searched, and held in a cell overnight. Thereafter, at about 5 AM of February 19, 2013, claimant and the other arrestees were taken to Central Booking where they were searched, held until February 20, 2013, at which time they were arraigned on numerous false charges, and directed to return to court on April 30, 2013 at which time the charges were dismissed. The aforementioned acts by the police were activities conducted as a result of an operation designed

and/or approved by of Police Commissioner of the City of New York Raymond Kelly's, directing police officers to stop and search persons without any probable cause to ascertain if they possessed guns and/or other contraband.

4. Upon information and belief, the items of damage are for humiliation, emotional hurt, loss of freedom, assault, confiscation of property and deprivation of the inhabitation of the apartment located at 2114 Aqueduct Avenue, Apt. A5, Bronx, NY 10453, all in violation of Articles I, II, IV, V and XIV Amendments to the United States Constitution and to the corresponding sections of the Constitution of the State of New York and 42 USC 1983, for a sum of money within the jurisdiction of the Supreme Court of the State of New York, together with punitive damages against the police officers and the City of New York by reason of the fact that the illegal actions by the police officers were pursuant to a program established by and with the knowledge of the Police Commissioner and the Mayor of the City of New York.

The undersigned claimant(s) therefore present this claim for adjustment and payment. You are hereby notified that unless it is adjusted and paid within the time provided by law from the date of presentation to you, the claimant(s) intend(s) to commence an action on this claim.

Dated: May 15, 2013

  
Steven Siegel, Esq., on behalf of the  
above claimants.

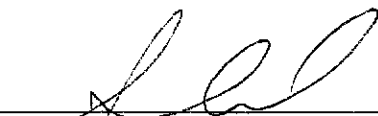
STEVEN SIEGEL, P.C.  
Attorney for Claimant(s)  
123-12 82nd Avenue  
Kew Gardens, New York 11415  
718 520-0413

Individual Verification

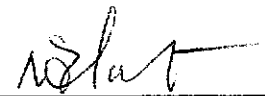
State of New York)  
County of Queens )


Steven Siegel

being duly sworn, deposes and says that I am the claimant in the within notice of claim; that I have read the foregoing Notice of Claim and know the contents thereof; that the same is true to my own knowledge, except as to the matters herein stated to be alleged upon information and belief, and that as to those matters I believe them to be true.

  
Steven Siegel, on behalf of the above  
Claimants

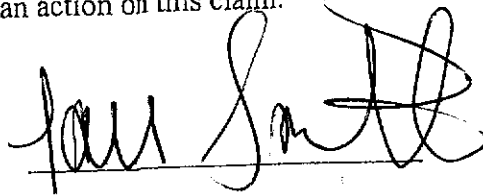
Sworn to before me this  
15th day of May, 2013.



NATALYA ZLATOPOLSKAYA  
Notary Public, State of New York  
No. 01ZL6048534  
Qualified in Queens County  
Commission Expires Sept 25, 2007 

The undersigned claimant(s) therefore present this claim(s) for adjustment and payment. You are hereby notified that unless it is adjusted and paid within the time provided by law from the date of presentation to you, the claimant(s) intend(s) to commence an action on this claim.

Dated: May 15, 2013



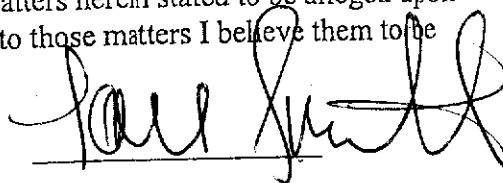
STEVEN SIEGEL, P.C.  
Attorneys for Claimant(s)  
123-12 82<sup>nd</sup> Avenue  
Kew Gardens, New York 11415  
T.(718) 520-0413  
F.(718) 544-7044

INDIVIDUAL VERIFICATION

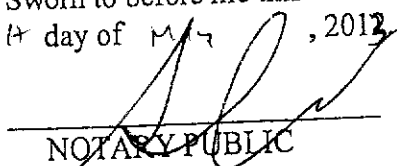
State of New York     )  
                                      ) ss:

County of Bronx     )

, being duly sworn, deposes and says: that I am the claimant in the within Notice of Claim; that I have read the foregoing Notice of Claim and know the contents thereof; that the same is true to my own knowledge, except as to the matters herein stated to be alleged upon information and belief, and that as to those matters I believe them to be true.



Sworn to before me this  
14 day of May, 2013



NOTARY PUBLIC

17

U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
 (Domestic Mail Only. No Insurance Coverage Provided)  
 For delivery information visit our website at www.usps.com

NEW YORK NY 10007

**OFFICIAL USE**

Postage	\$	\$0.66	0215 13 Postmark Here
Certified Fee		\$3.10	
Return Receipt Fee (Endorsement Required)		\$2.55	
Restricted Delivery Fee (Endorsement Required)		\$0.00	
Total Postage & Fees	\$	\$6.31	05/13/2013 am

Sent To: *The City of NY, Comptroller's Office*  
 Street, Apt. No. or PO Box No. *One Centre Street, Room 530*  
 City, State, ZIP+4 *New York NY 10007*

PS Form 3811, October 2006

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

The City of New York  
 Comptroller's Office  
 One Centre Street  
 Room 530  
 New York, N.Y. 10007

*E. Graham*

## 2. Article Number

(Transfer from service)

7010 0780 0000 0667 2343

PS Form 3811, February 2004

**COMPLETE THIS SECTION ON DELIVERY**

## A. Signature

X *[Signature]*

☐ Agent

☐ Addressee

## B. Received by (Printed Name)

## C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes  
 If YES, enter delivery address below. ☐ No

## 3. Service Type

- ☒ Certified Mail ☐ Express Mail  
☐ Registered ☒ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

## 4. Restricted Delivery? (Extra Fee)

☐ Yes

Domestic Return Receipt

102595-02-M-1540



**VERIFICATION**

STATE OF NEW YORK: COUNTY OF QUEENS

I, the undersigned am an attorney admitted to practice in the Courts of New York State, and say that: I am the attorney of record, or of counsel with the attorney(s) of record, for the Plaintiffs, I have read the annexed Complaint & know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based upon the following: office records, investigations, and file contents.

The reason I make this affirmation instead of the plaintiffs is that they reside outside of the county in which your affirmant maintains a law practice.

Dated: Kew Gardens, New York  
January 28, 2014

  
STEVEN SIEGEL

Index No.:

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

---

PRINCESS BELL ET.AL.

Plaintiffs,

- against -

THE CITY OF NEW YORK ET.AL.

Defendants.

---

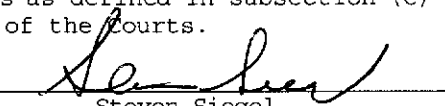
**SUMMONS & VERIFIED COMPLAINT**

---

**STEVEN SIEGEL, P.C.**  
**Attorney for Plaintiffs**  
**123-12 82nd Avenue**  
**Kew Gardens, New York 11415**  
**(718) 520-0413 phone**  
**(718) 544-7044 fax**  
**myattorney@verizon.net**

---

CERTIFICATION: I, STEVEN SIEGEL of STEVEN SIEGEL, P.C., am an attorney duly admitted to the practice of law in the State of New York, and I hereby certify that all of the papers that I have served, filed or submitted to the Court which relate to the above captioned action are not frivolous as defined in subsection (c) of Sec. 130-1.1 of the Rules of the Chief Administrator of the Courts.  
Dated: January 28, 2014

  
Steven Siegel

---

**PLEASE TAKE NOTICE**

Notice of Entry: that the within is a (certified) true copy of

a entered in the Office of the Clerk of the within named Court on

Notice of Settlement: that an Order of which the within is a true copy will be presented for settlement to the Hon.

one of the Judges of the within named Court, at

on

at M.

DATED:

**STEVEN SIEGEL, P.C.**  
**Attorney for Plaintiff**